

#### Remarks

Claims 1-3 and 5-8 remain in this application. Claim 4 has been canceled. Claims 1 and 6 have been amended to incorporate a portion of the subject matter of claim 4 (glycol ether solvent); therefore, these amendments are not believed to raise any new issues requiring a new search. Entry of the claim amendments is requested. The Office Action rejected claims 1-3 and 5-8 under § 103 based on WO 99/03959 ("Weber") in view of WO 99/53915 ("Kjelleberg"), and rejected claims 1-5, 7 and 8 under § 103 based on U.S. patent 5,776,876 ("Garris") in view of Kjelleberg.

In view of the amendments above and remarks below, reconsideration is respectfully requested.

#### § 103 rejections

A. WO 99/03959 and WO 99/53915

Claims 1-3 and 5-8 stand rejected under § 103 as being unpatentable over Weber in view Kjelleberg.

The examiner noted that a translation of Weber was requested. It is not clear to whom that request was directed. However, in the previously filed response, applicants provided the examiner with a copy of English language U.S. counterpart U.S. Patent No. 6,362,142.

Independent claims 1 and 6 have been amended to incorporate the glycol ether solvent limitation of claim 4. Claim 4 was not rejected based on Weber in view Kjelleberg. Therefore, the amendments are believed to remove this rejection. Amended independent claims 1 and 6 and their dependent claims are believed to be patentable over Weber and Kjelleberg as neither reference alone or in combination teaches cleaning compositions having all of the elements of

the claims including a glycol ether solvent. Accordingly, reconsideration and withdrawal of the rejection is requested.

B. U.S. 5,776,876 and WO 99/53915

Claims 1-5, 7 and 8 stand rejected under § 103 as being unpatentable over Garris in view of Kjelleberg. Claim 1 is an independent claim and claims 2-5, 7 and 8 depend from claim 1.

Applicants' claimed invention relates to a hard surface cleaner. "Hard surface" is defined in the specification as "a solid, substantially non-flexible, surface such as a counter top, bathroom tile, plumbing fixture wall, bathroom or kitchen wall, or linoleum floor." In contrast, the primary reference to Garris relates to a cleaning composition for swimming pool filters (column 1, line 64). These filters are particulate type filters such as a sand filter (Example 15). The sand filter is described in Garris to be cleaned by soaking it in a product for 12 to 24 hours before being backwashed with water (column 7, lines 4-7).

Particulate type swimming pool filters such as sand filters are not analogous to hard, non-flexible surfaces such as counter tops. On a hard surface, the surface area of the item to be cleaned is readily exposed. A cleaner can be applied to this surface, such as by rubbing, and the surface can then be rinsed with water shortly after cleaner application. In contrast, sand is made up of numerous small particles with multi-dimensional surface area. Soaking a sand filter for nearly a day and then backwashing with water is not comparable to application of a cleaner to a defined hard surface for a short time before rinsing.

One of ordinary skill in the art would not have been motivated to turn to references discussing particulate

swimming pool filters as a resource to develop a hard surface cleaner. Therefore, Garris is non-analogous art to applicants' invention.


Furthermore, Garris does not disclose furanones in combination with chitosans as required by applicants' invention. As the examiner indicated, Garris does not teach the use of a furanone. Kjelleberg does teach the use of furanones in certain cleaners. However, nothing in Kjelleberg teaches using chitosan itself for a hard surface cleaner, or suggests compatibility of chitosan and furanones, or teaches the conditions under which chitosan and furanone together could have antimicrobial effectiveness. The examiner arrived at this combination using impermissible hindsight with the benefit of applicants' disclosure. There is no teaching or suggestion in either Garris or Kjelleberg for combining a reference for a strongly acidic cleaner for swimming pool filters with a reference for inhibiting gram positive bacteria. Also, applicants claimed invention provides residual beneficial antimicrobial activity which lasts even after the cleaning has been completed. This is an unexpected advantage. Reconsideration and withdrawal of the § 103 rejection is requested.

Conclusion

In view of the foregoing, it is believed that the application has been placed in condition for allowance. Entry of the amendments and favorable reconsideration is respectfully requested. No additional fees are believed to be required for entry of this amendment. However, should any additional fees be needed, please charge Deposit Account No. 10-0849.

Respectfully submitted,

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